



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Tess Nguyen, Associate Planner *TN*
DATE: June 11, 2013

SUBJECT: CONDITIONAL USE PERMIT NO. 13-013 (ELEPHANT BAR RESTAURANT ON-SITE ALCOHOL SALES)

PROJECT

APPLICANT: Rona Griego, 200 East Baker Street, Suite 201, Costa Mesa CA 92626

PROPERTY

OWNER: Huntington Beach No. 1, LP, The Watts Companies, 2716 Ocean Park Boulevard, Suite 2025, Santa Monica CA 90405

LOCATION: 7490 Edinger Avenue, 92647 (Edinger Plaza—south side of Edinger Avenue, west of Sher Lane)

STATEMENT OF ISSUE:

- ♦ Conditional Use Permit No. 13-013 request:
 - To permit the on-site sale, service, and consumption of alcoholic beverages (full-service bar) within an existing vacant approximately 5,384 sq. ft. eating and drinking establishment (formerly Denny's) and a new approximately 398 sq. ft. outdoor dining area.
- ♦ Staff's Recommendation:

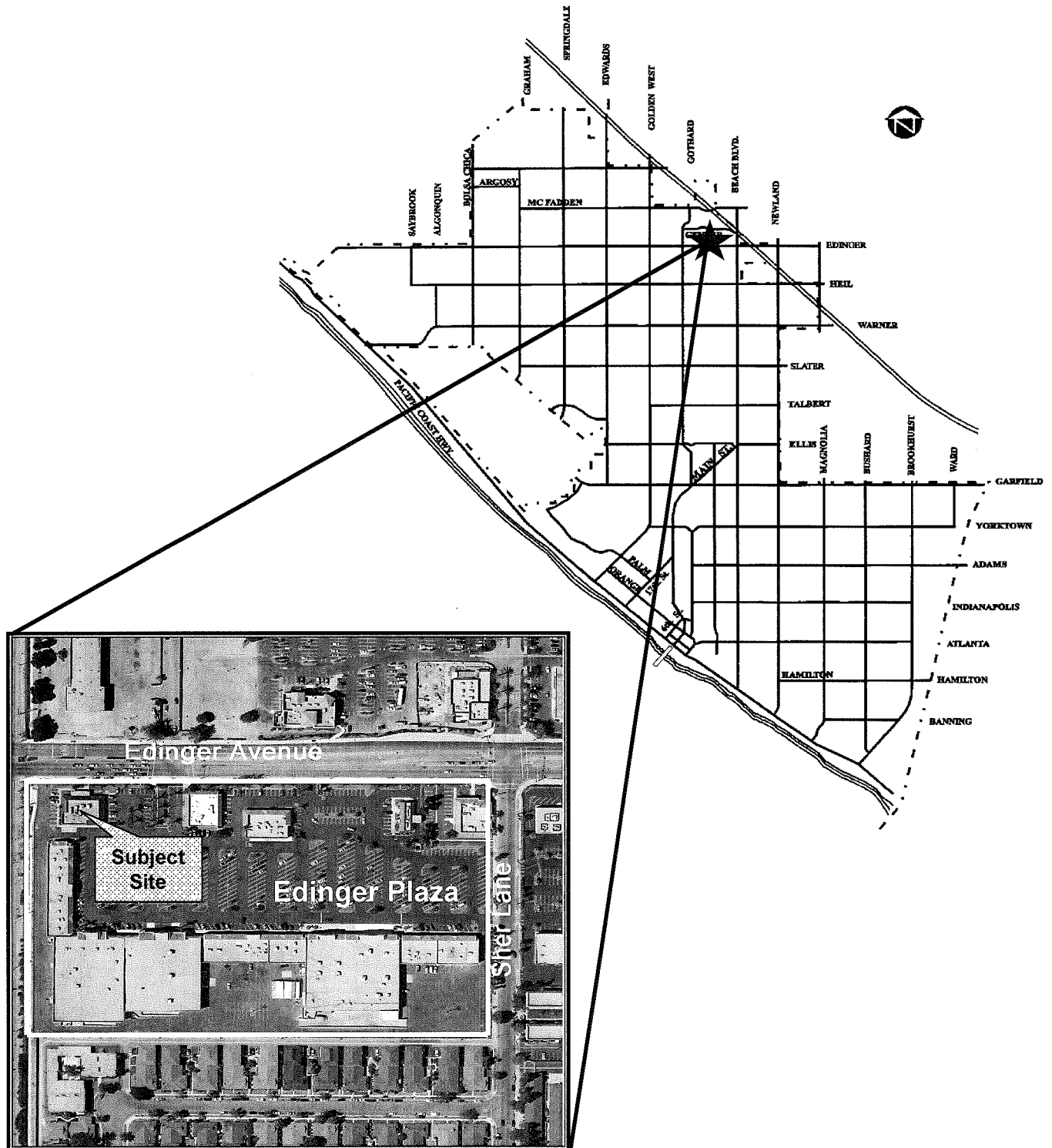
Approve Conditional Use Permit No. 13-013 based upon the following:

 - Compliance with the General Plan designation of Mixed Use.
 - Compatible with adjacent uses
 - With conditions, the alcohol sales, service, and consumption in the restaurant and outdoor dining area will not generate negative impacts to adjacent uses.

RECOMMENDATION:

Motion to:

- A. "Approve Conditional Use Permit No. 13-013 with suggested findings and conditions of approval (Attachment No. 1)."



VICINITY MAP
CONDITIONAL USE PERMIT NO. 13-013
(ELEPHANT BAR RESTAURANT—7490 EDINGER AVENUE)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Continue Conditional Use Permit No. 13-013 and direct staff accordingly."
- B. "Deny Conditional Use Permit No. 13-013 with findings for denial."

PROJECT PROPOSAL:

Conditional Use Permit No. 13-013 represents a request to permit the on-site sale, service, and consumption of alcoholic beverages (full-service bar) within an existing vacant approximately 5,384 sq. ft. eating and drinking establishment (formerly Denny's) and a new approximately 398 sq. ft. outdoor dining area pursuant to Section 2.2.1, Use Types, Eating and Drinking Establishments with Alcohol, within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan (SP14).

The project site consists of approximately 13.5 acres located on the south side of Edinger Avenue and west of Sher Lane known as the Edinger Plaza shopping center. The restaurant is located within a one-story commercial pad building at the northwest corner of the site fronting Edinger Avenue.

The restaurant will employ approximately 70 people with 25 employees per typical shift. The proposed hours of operation area as follows:

Days	Hours of Operation
Sunday through Thursday	11:00 AM to 12:00 AM (midnight)
Friday and Saturday	11:00 AM to 1:00 AM

The sales, service, and consumption of alcohol is proposed to occur within the interior of the restaurant and designated outdoor dining area only. The project includes interior modifications typical for restaurant use improvements.

Background:

The project site, known as Edinger Plaza shopping center, underwent an exterior renovation, site configuration, and additions in 2012. The site improvements included new storefronts, landscape enhancements, parking area restriping, lighting, and new pedestrian walkways. The exterior facade of the existing restaurant is proposed to be remodeled to both blend with the shopping center architecture and provide corporate Elephant Bar architectural identity. The exterior improvements will be in substantial conformance with the newly renovated Edinger Plaza shopping center by incorporating variations in building materials, complementary colors, and similar architectural features and elements.

ISSUES:

Subject Property and Surrounding Land Use, Zoning, and General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay)	SP 14 (Beach and Edinger Corridors Specific Plan – Town Center Boulevard)	Edinger Plaza Shopping Center
North (across Edinger Avenue) of Subject Property:	CR-F2-sp-mu-F14 (Commercial Regional – 0.50 Floor Area Ratio (FAR) – Specific Plan Overlay – Mixed Use Overlay – 1.75 Mixed Use FAR: 0.2 Commercial FAR/45 dwelling units/acre)	SP 13 (Bella Terra)	Bella Terra Shopping Center
South Subject Property:	RMH-25 (Residential Medium High Density – 25 dwelling units/acre)	RMH (Residential Medium High Density)	Multi-Family Residential Uses
East (across Sher Lane) and West of Subject Property:	M-sp-d	SP 14	Shopping Center

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City’s General Plan as follows:

A. Land Use Element

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Policy LU 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed project will permit the sale, service and consumption of alcoholic beverages within an existing restaurant suite and proposed outdoor dining area at the Edinger Plaza commercial center. The site is located within the Beach and Edinger Corridors Specific Plan designation and the use is consistent with the Building Use Regulations and compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs for a successful restaurant establishment by permitting the sale of alcoholic beverages in a safe manner for customers and residents of the surrounding area.

B. Economic Development Element

Policy ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

The project is located along a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to expand the range of goods and services provided in the area and facilitates continued viability of the commercial center.

Zoning Compliance:

The proposed project is located within the Town Center Boulevard segment of the Beach and Edinger Corridors Specific Plan (BECSP) and the request complies with the requirements of that designation. The previous use at this location was a Denny's restaurant. The request to add alcohol consumption requires review and approval of a conditional use permit by the Planning Commission. The project will not increase existing building area and therefore does not require additional parking spaces because the intensity of the use remains the same. A restaurant with alcohol sales, service and consumption does not constitute an increase in required parking spaces.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves the operation and permitting of the existing development involving negligible expansion of an existing use.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning and Building, Fire, Public Works and Police have reviewed the application and identified applicable code requirements which have been provided to the applicant and are attached for information purposes only (Attachment No. 4). The Police Department's comments were translated into suggested conditions to mitigate potential impacts related to the proposed use. The applicant has reviewed the suggested conditions of approval and verbally expressed their understanding and willingness to comply with these conditions if approved.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on May 30, 2013, and notices were sent to property owners of record and occupants within a 500 ft. radius of the project site, individuals/organizations requesting notification (Planning and Building Department's Notification Matrix), applicant, and interested parties. As of June 4, 2013, staff has received no comments in support or opposition to the request.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

May 15, 2013

MANDATORY PROCESSING DATE(S):

Within 60 days of complete application:

July 15, 2013

Conditional Use Permit No. 13-013 was filed on April 17, 2013 and deemed complete on May 15, 2013. The application is scheduled for public hearing before the Planning Commission on June 11, 2013.

ANALYSIS:

The location is suitable for the sale, service and consumption of alcohol due to the mix of uses existing and allowed on and surrounding the site. The operation of a restaurant with alcohol will occur within the interior of the building and designated outdoor dining patio area and is proposed in an area designated and designed for this type of use. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience.

The Police Department has reviewed the request and suggests several conditions of approval to ensure the establishment preserves a restaurant atmosphere, avoids noise disturbances, and complies with City and State law regarding alcohol sales and consumption. The conditions of approval relate to the availability of food service one hour before closing time, the service of alcoholic beverages within the interior of the restaurant and patio dining area, the limit on "Happy Hour" specials, the prohibition of dancing and entertainment, and the compliance of all applicable laws.

The use will be required to comply with conditions of approval pertaining to the operation to assure that any potential impacts to the surrounding properties are minimized. The nearest residential uses are approximately 500 feet away to the south and 370 feet away to the north. Residential properties to the south are adequately buffered from the subject building by an approximately 250-foot wide parking lot, a

225-foot deep and 32-foot high commercial building, a 25-foot wide driveway, and a 6 ft. high block wall separating the properties. Residential properties to the north are adequately buffered from the subject building by an approximately 25-foot wide planter area, a 100-foot wide Edinger Avenue right-of-way, a 215-foot wide parking lot, and a 30-foot wide planter area. In addition, the residential uses are located in a highly urbanized area where there is a mix of residential and commercial uses and where no impacts are expected to occur. Therefore, with the suggested conditions of approval, the subject request will not result in noise, safety, or compatibility issues. The request to permit a restaurant and outdoor dining with alcohol service, sales and consumption is consistent with the scope and intent of development in the BECSP designation and supported by the General Plan. Accordingly, staff recommends approval of the request.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for Conditional Use Permit No. 13-013
2. Site Plans, Floor Plans, and Elevations received and dated April 19, 2013
3. Project Narrative received and dated May 2, 2013
4. Code Requirements Letter dated May 20, 2013 (for informational purposes only)

SH:JJ:TN:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 13-013

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 13-013:

1. Conditional Use Permit No. 13-013 to permit the on-site sale, service, and consumption of alcoholic beverages (beer, wine, and distilled spirits) within a vacant approximately 5,384 sq. ft. eating and drinking establishment and a new approximately 398 sq. ft. outdoor dining area at an existing mixed-use center site in the Beach and Edinger Corridors Specific Plan zoning designation will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed sales and service of alcoholic beverages is regulated by the provisions of Chapter 9.44 of the Huntington Beach Municipal Code. The subject request will not result in noise, safety, or compatibility issues. Residential properties to the south will be adequately buffered from the subject building by an approximately 500-foot separation, including a 250-foot wide parking lot, a 225-foot deep and 32-foot high commercial building, a 25-foot wide driveway, and a 6 ft. high block wall separating the properties. Residential properties to the north are adequately buffered from the subject building by an approximately 370-foot separation, including a 25-foot wide planter area, a 100-foot wide Edinger Avenue right-of-way, a 215-foot wide parking lot, and a 30-foot wide planter area. The residential uses are located in a highly urbanized area where there is a mix of residential and commercial uses and where no impacts are expected to occur. In addition, the BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and designated outdoor dining area and will not generate detrimental impacts onto surrounding properties
2. The request to permit an existing restaurant to add alcohol sales and consumption will be compatible with surrounding uses because the project is located within an existing mixed-use commercial center. The restaurant is surrounded by commercial and restaurant uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.

3. The request to permit an existing restaurant to add alcohol sales, service and consumption will comply with the Town Center Boulevard segment of the Beach and Edinger Corridors Specific Plan (BECSP), and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The BECSP allows eating and drinking establishments with alcohol service subject to approval of a conditional use permit. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. There is no physical expansion that includes additional floor area to the existing building as part of this request and the proposed use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit to permit the on-site sale, service, and consumption of alcoholic beverages (beer, wine, and distilled spirits) within an existing eating and drinking establishment and proposed outdoor dining area is consistent with the General Plan. The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City’s General Plan as follows:

A. Land Use Element

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Policy LU 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed project will permit the sale, service and consumption of alcoholic beverages within an existing restaurant suite and proposed outdoor dining area at the Edinger Plaza commercial center. The site is located within the Beach and Edinger Corridors Specific Plan designation and the use is consistent with the Building Use Regulations and compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs for a successful restaurant establishment by permitting the sale of alcoholic beverages in a safe manner for customers and residents of the surrounding area.

B. Economic Development Element

Policy ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

The project is located along a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to expand the range of goods and services provided in the area and facilitate continued viability of the commercial center.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 13-013:

1. The site plan, floor plan, and elevations received and dated April 17, 2013, shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Hours of operation shall be limited to between 11:00 AM and 12:00 AM Sunday through Thursday and between 11:00 AM to 1:00 AM Friday and Saturday.
 - b. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public until at least one hour prior to the scheduled closing time. **(PD)**
 - c. All alcoholic beverages shall remain within the interior of the restaurant or within the confines of the enclosed patio dining area. Service of alcoholic beverages for off-site consumption shall be prohibited. **(PD)**
 - d. A sign shall be posted stating alcoholic beverages are not allowed outside the restaurant/patio areas. **(PD)**
 - e. No Happy Hour alcoholic beverage specials shall be offered after 7:00 PM. **(PD)**
 - f. Dancing and entertainment shall be prohibited. **(PD)**
 - g. All owners, employees, representatives, and agents shall obey all state, local, and municipal laws, conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
 - h. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of

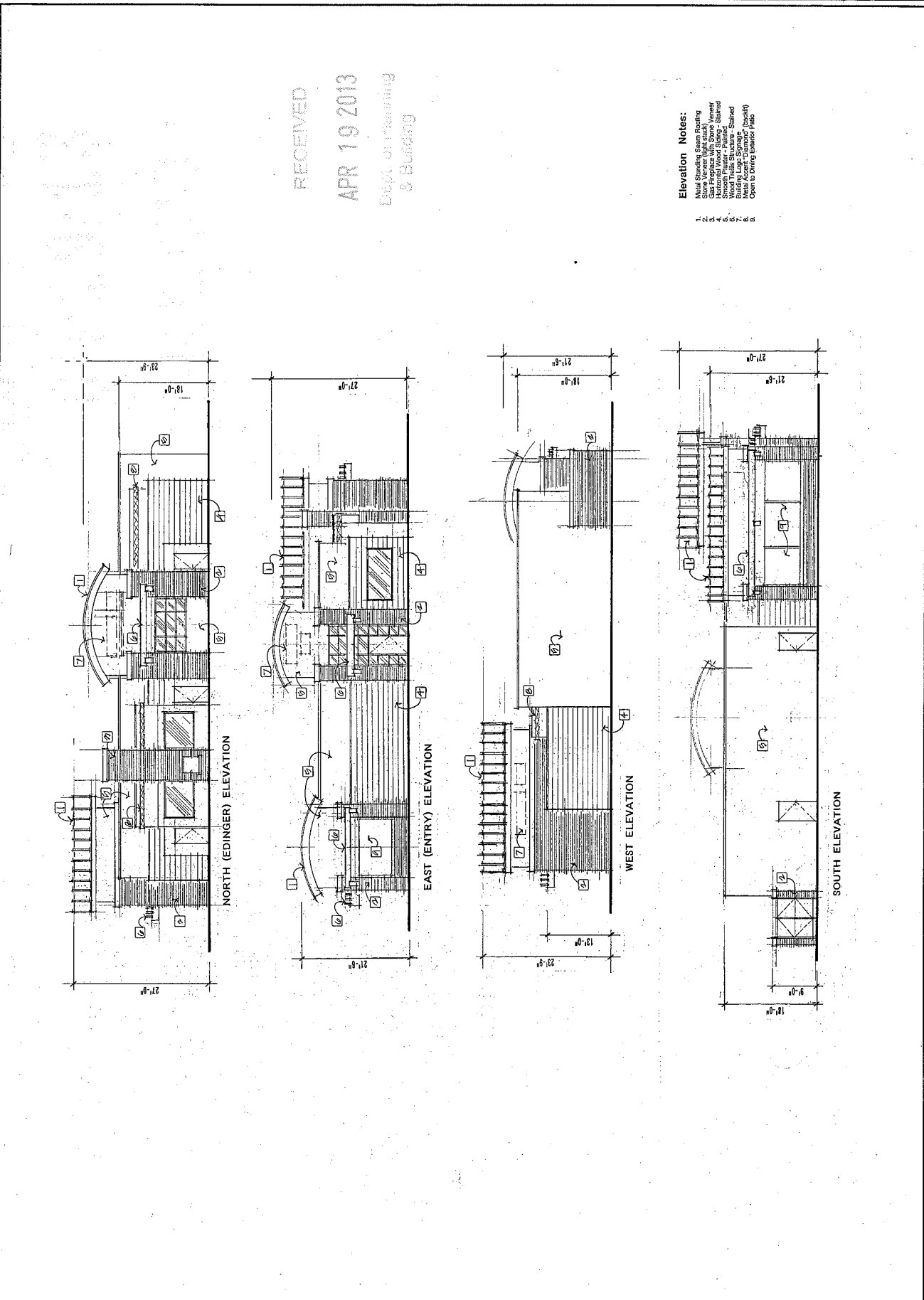
the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

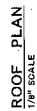
4. Conditional Use Permit No. 13-013 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
5. The Planning Commission reserves the right to revoke Conditional Use Permit No. 13-013 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

CLIENT: Edinger Bar Cafe
 200 E. Baker Street #201
 Oceanside, CA 92058
 PROJECT: Huntington Beach, California
 ELEVATIONS
 ARCHITECT: CHARLES RAMM
 1001 Avenida Pico, Ste. C-640
 Santa Monica, CA 90405
 Phone: (310) 318-1122
 Fax: (310) 318-1122
 Email: charles@charlesramm.com





Elevation Notes:
Stone Veneer (light stack)
Stone Wall Cap
Smooth Plaster - Painted
Tile Wall Base
Glass Wall / Door System (open)
Open to Exterior



RECEIVED

MAY 02 2013

Dept. of Planning
& Building

200 E Baker Street #201, Costa Mesa, CA 92626



May 2, 2013

Ms. Tiffany Nguyen
City of Huntington Beach

RE: Elephant Bar Restaurant
7490 Edinger Avenue
Huntington Beach, CA

CUP: #2013.013
APN: 142-112-09
Zoning: SP-14

Description of Environmental Setting

The existing commercial shopping center has multiple professional, retail and commercial tenants. The existing building is an individual pad restaurant site; originally built and operated as a Denny's Restaurant. The surrounding area is a mixed use environment of commercial and residential use. The existing building was constructed as a restaurant and throughout the history of the structure; the space has served continuously as a restaurant.

Project Narrative

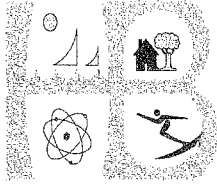
The project scope is a renovation of an existing restaurant. The exterior of the building shall be remodeled to both blend with existing center architecture and provide Elephant Bar architectural identity.

The interior floor plan will be divided into several spaces with addition of a bar serving alcoholic beverages; dining incorporated and a patio dining space. The hours of operation will be Sun-Thurs 11 AM – 12 AM; Fri & Sat 11 AM – 1 AM.

Sincerely,

Rona Griego
V.P Construction/Facilities
Elephant Bar Restaurant

ATTACHMENT NO. 3.1



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

May 20, 2013

Rona Griego
200 East Baker Street, Suite 201
Costa Mesa CA 92626

**SUBJECT: CONDITIONAL USE PERMIT NO. 2013-013 (ELEPHANT BAR RESTAURANT
ALCOHOL SALES)—7490 EDINGER AVENUE
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Ms. Griego:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 (tnguyen@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

Tess Nguyen

TESS NGUYEN
Associate Planner

Enclosures

cc: Khoa Duong, Building Division – 714-872-6123
Steve Bogart, Public Works Department – 714-374-1692
Jane James, Acting Planning Manager
Huntington Beach No. 1, LP, Property Owner

Jim Brown, Fire Department – 714-374-5344
Steve Fong, Police Department – 714-536-5960
Jason Kelly, Planning Division
Project File

ATTACHMENT NO. 4.1



HUNTINGTON BEACH BUILDING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MAY 13, 2013
PROJECT NAME: ELEPHANT BAR RESTAURANT
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 13-058
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 13-013
DATE OF PLANS: APRIL 17, 2013
PROJECT LOCATION: 7490 EDINGER AVENUE (SOUTH SIDE OF EDINGER AVENUE, WEST OF SHER LANE)
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: KHOA DUONG, P.E.
TELEPHONE/E-MAIL: (714) 872-6123 / KHOA@CSGENGR.COM
PROJECT DESCRIPTION: TO PERMIT THE ON-SITE SALE, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN EXISTING VACANT APPROXIMATELY 5,384 SQ. FT. RESTAURANT AND A NEW APPROXIMATELY 398 SQ. FT. OUTDOOR DINING AREA, AND AN EXTERIOR FAÇADE REMODEL CONSISTENT WITH THE NEWLY RENOVATED EDINGER PLAZA.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

I. SPECIAL CONDITIONS:
None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the city at the time of permit application submittal. Currently they are 2010 California Building Code (CBC), 2010 California Residential Code (CRC), 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, 2010 California Energy Code, 2010 California Green Building Standards Code, and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.

2. The area of new addition shall be included in the building area. Please clarify the Building Area Summary.
3. Provide egress plan –
 - a. Show the occupant load in each room/area along with their occupant load factor.
 - b. Show the exit paths of travel and distances of travel to exit doors.
4. Provide compliance to disabled accessibility requirements of Chapter 11B of the 2010 CBC.
 - a. Show location of all curb ramps and truncated domes within the accessible path of travel from accessible parking stalls to the building entrance.
 - b. Show the required clear spaces in front of all exterior exit doors/gates per Section 1133B.2.4.2
 - c. Accessible parking stalls must comply with Section 1129B of 2010 CBC.
 - d. Restrooms must be accessible to disabled persons. Section 1115B.
 - e. Provide wheelchair seating space per Section 1104B.5 of 2010 CBC.
5. Floor plan – Provide wall legend showing symbol of existing wall to be removed, exiting wall to be remaining, and new wall. Cross reference wall symbols to Floor plan.
6. Review and provide compliance with Title 17 of the City of Huntington Beach Municipal Code, Building and Construction. This document can be found online on the city's website.
7. Recommendation: Please contact me or our office for a preliminary review of code analysis to examine any possible building code issues that may arise.
8. In addition to all of the code requirements of the 2010 California Green Building Standards Code, specifically address Construction Waste Management per Sections 4.408.2, 4.408.3, 4.408.4, 5.408.1.1, 5.408.1.2, and 5.408.1.3 and Building Maintenance and Operation, Section 5.410. Prior to the issuance of a building permit the permittee will be required to describe how they will comply with the sections described above. Prior to building final approval documentation to the city will be required per Sections 4.408.5 and 5.408.1.4.

III. COMMENTS:

1. Planning and Building Department encourage the use of pre submittal zoning applications and building plan check meetings.
2. Separate Building, Mechanical, Electrical and Plumbing Permits will be required for all exterior accessory elements of the project, including but not limited to: fireplaces, fountains, sculptures, light poles, walls and fences over 42" high, retaining walls over 2' high, detached trellises/patio covers, gas piping, water service, backflow anti-siphon, electrical, meter pedestals/electrical panels, swimming pools, storage racks for industrial/commercial projects. It will be the design professional in charge, responsibility to coordinate and submit the documents for the work described above.

RECEIVED

APR 25 2013

Dept. of Planning
8 Building



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: APRIL 24TH, 2013

PROJECT NAME: ELEPHANT BAR RESTAURANT

ENTITLEMENTS: PA NO. 13-058, CUP NO. 13-013

PROJECT LOCATION: 7490 EDINGER AVENUE, HUNTINGTON BEACH, CA

PLANNER: TESS NGUYEN, ASSOCIATE PLANNER

TELEPHONE/E-MAIL:

PLAN REVIEWER-FIRE: James Brown, Fire Protection Analyst

TELEPHONE/E-MAIL: (714) 374-5344, jbrown@surfcity-hb.org

PROJECT DESCRIPTION: TO PERMIT THE ON-SITE SALE, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN EXISTING VACANT APPROXIMATELY 5,384 SQ. FT. RESTAURANT AND A NEW APPROXIMATELY 398 SQ. FT. OUTDOOR DINING AREA, AND AN EXTERIOR FAÇADE REMODEL CONSISTENT WITH THE NEWLY RENOVATED EDINGER PLAZA.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated APRIL 25TH, 2013. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: JAMES BROWN, FIRE PROTECTION ANALYST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

Fire Protection Systems

Automatic Fire Sprinklers are required to be modified / extended with the tenant improvement. The installation must be in compliance with the 2010 CFC and NFPA 13. Separate plans (two sets) shall be submitted to the Fire Department for permits and approval. Fire Code standards can be found in *City Specification #420. (FD)*

Fire Alarm system is required if the following occurs. All fire sprinkler systems with greater than 100 heads require a dedicated function fire alarm system in compliance with the CFC and NFPA 72. Occupant loads over 300 in an assembly use require a compliant building fire alarm system. (FD)

ATTACHMENT NO. 4.4

Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)

Fire Personnel Access

Main Secured Building Entries shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. (FD)

Addressing and Street Names

Commercial Building Address Numbers shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front and rear of the structure and shall be a minimum of six inches (6") high with one and one half inch (1 ½") brush stroke. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front and rear door. All address numbers are to be in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and reflect the address location on the building. (FD)

Building Construction

Exit Signs, Exit Path Markings and Emergency Illumination will be provided in compliance with the California Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. (FD)

Posting Of Room Occupancy is required. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place near the main exit per CFC sec. 1004.3 (FD)

Places of Assembly Operational Permit is required for an assembly use of 50 or more. The permit must be applied for at the Huntington Beach Fire Department Prevention Division prior to certificate of occupancy approval.

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

- Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with CFC Chapter 14, Fire Safety During Construction And Demolition. (FD)

OTHER:

- Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
- Outside City Consultants. The Fire Department review of this project and subsequent plans may require the use of City Consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5th floor

Huntington Beach, CA 92648

or through the City's website at

http://www.huntingtonbeachca.gov/government/departments/Fire/fire_prevention_code_enforcement/fire_dept_city_specifications.cfm

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



CITY OF HUNTINGTON BEACH PLANNING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MAY 20, 2013

PROJECT NAME: ELEPHANT BAR RESTAURANT ALCOHOL SALES

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 13-058

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 13-013

DATE OF PLANS: APRIL 17, 2013

PROJECT LOCATION: 7490 EDINGER AVENUE, HUNTINGTON BEACH

PLAN REVIEWER: TESS NGUYEN, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 374-1744 / TNGUYEN@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT THE ON-SITE SALE, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES (FULL-SERVICE BAR) WITHIN AN EXISTING VACANT APPROXIMATELY 5,384 SQ. FT. EATING AND DRINKING ESTABLISHMENT AND A NEW APPROXIMATELY 398 SQ. FT. OUTDOOR DINING AREA.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

CONDITIONAL USE PERMIT NO. 13-013:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. Prior to issuance of building permits, the Beach and Edinger Corridors Specific Plan fee shall be paid for remodels in the Beach and Edinger Corridors Specific Plan (SP-14) area. (**Resolution No. 2010-80**)
3. The structure(s) cannot be occupied until a Certificate of Occupancy is approved and issued by the Planning & Building Department. (**HBMC 17.04.036**)
4. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning & Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other

relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18. **(HBZSO Section 241.18)**

5. Conditional Use Permit No. 13-013 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
6. Conditional Use Permit No. 13-013 shall become null and void unless exercised within one year of the date of final approval, or as modified by condition of approval. An extension of time may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 13-013 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption/Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements. **(California Code Section 15094)**
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning & Building Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**
12. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. **(HBZSO Section 211.04)**

Crime Prevention Through Environmental Design



CITY OF HUNTINGTON BEACH POLICE DEPARTMENT

CPTED DEVELOPMENT REVIEW

DATE: May 15, 2013
PROJECT NAME: Elephant Bar Restaurant
ASSIGNED PLANNER: Tess Nguyen, Associate Planner
REQUEST: Top permit the on-site sale, service, and consumption of alcoholic beverages within an existing vacant approximately 5,384 SQ. FT restaurant and a new approximately 398 SQ. FT. outdoor dining area, and an exterior façade remodel consistent with the newly renovated Edinger Plaza.
LOCATION: 7490 Edinger Avenue (south side of Edinger Avenue, west of Sher Lane)
ZONE: SP-14
GENERAL PLAN & #: NO. 13-013
PLAN REVIEWER: Bernard Atkins, Police Officer
TELEPHONE/E-MAIL: (714) 264-8103 /batkins@hbpd.org
EXISTING USE: Commercial

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

SUGGESTED RECOMMENDATIONS OF APPROVAL

- ☐ Lighting ☐ Property Access ☐ Parking ☐ Landscaping / Vegetation ☐ Fencing / Walls
☐ Safety ☐ Hazard ☐ Surveillance ☐ Architecture / Design ☐ Community / Neighborhood
☐ Compatibility issues ☐ Hours of Operation ☐ Employee Procedures
☒ I have reviewed the plans for Elephant Bar Restaurant I do not have any concerns or recommended changes.

CONCERNS & RECOMMENDATIONS:

ATTACHMENT NO. 4.9



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MAY 16, 2013

PROJECT NAME: ELEPHANT BAR RESTAURANT

PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 13-058

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 13-013

DATE OF PLANS: APRIL 24, 2013

PROJECT LOCATION: 7490 EDINGER AVENUE (SOUTH SIDE OF EDINGER AVENUE, WEST OF SHER LANE)

PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER

PLAN REVIEWER: STEVE FONG, PD/VICE

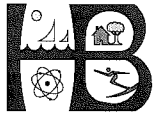
TELEPHONE/E-MAIL: (714) 536-5960 / SFONG@HBPD.ORG

PROJECT DESCRIPTION: TO PERMIT THE ON-SITE SALE, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN EXISTING VACANT APPROXIMATELY 5,384 SQ. FT. RESTAURANT AND A NEW APPROXIMATELY 398 SQ. FT. OUTDOOR DINING AREA, AND AN EXTERIOR FAÇADE REMODEL CONSISTENT WITH THE NEWLY RENOVATED EDINGER PLAZA.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

1. Entertainment is not permitted.
2. Dancing is not permitted by anyone.
3. All alcoholic beverages shall remain within the interior of the restaurant, or within the confines of the enclosed patio dining area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant/patio.
4. Service of alcoholic beverages for consumption off-site will not be permitted.
5. No Happy Hour alcoholic beverage specials shall be offered after 7:00 PM.

6. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time.
7. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MAY 15, 2013
PROJECT NAME: ELEPHANT BAR RESTAURANT
ENTITLEMENTS: CUP13-13
PLNG APPLICATION NO: 2013-0058
DATE OF PLANS: APRIL 17, 2013
PROJECT LOCATION: 7490 EDINGER AVENUE
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: 714-374-1744 / TNGUYEN@SURFCITY-HB.ORG
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER
TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE ON-SITE SALE, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN EXISTING VACANT APPROXIMATELY 5,384 SQ. FT. RESTAURANT AND A NEW APPROXIMATELY 398 SQ. FT. OUTDOOR DINING AREA, AND AN EXTERIOR FAÇADE REMODEL CONSISTENT WITH THE NEWLY RENOVATED EDINGER PLAZA.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. The applicable Orange County Sanitation District Capital Facility Capacity Charge shall be paid to the City Department of Public Works. (Ordinance OCSD-40)

ATTACHMENT NO. 4.12

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
FINAL INSPECTION OR OCCUPANCY:**

2. The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water service, meter, and backflow protection device shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate domestic water service, meter and backflow protection device may be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC) (ZSO 254.04)
3. The existing fire service and backflow protection device currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Utilities Division. If the property owner elects to utilize the existing fire water service for existing and/or proposed development, any non-conforming service and backflow protection device shall be upgraded to conform to the current Water Division Standards. Alternatively, new and/or separate fire water services and backflow protection devices may be installed per Water Division Standards and shall be sized to satisfy fire flow requirements. (ZSO 230.84, Resolution 5921 and State of California Administrative Code, Title 17.)
4. The existing domestic water service and meter, if not being used shall be abandoned per Water Division Standards. (ZSO 255.04)